IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 558 of 2004

IN

SUMMARY SUIT NO. 3304 of 2003

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The Sangli Bank Limited .. Plaintiff

versus

Mr.Rahul Ramchandra Waghmare .. Defendant

...

Mr.Kalpesh Parekh i/b Pragna Thakkar for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 5th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendant.

2. The plaintiff hands in affidavit of service of writ of summons on the defendants. Affidavit is taken on record and marked Exhibit-B.

3. After the service of writ of summons, the

defendant no.1 appeared through an Advocate. The defendant no.2 did not appear. The learned counsel for the plaintiff hands in affidavit of service of Summons for Judgement on defendant no.1 through its counsel. Affidavit is taken on record and marked Exhibit-B. The learned counsel for the plaintiff also hands in original documents in a compilation. The documents are taken on record and collectively marked "C".

4. I have perused the plaint and the documents. In the absence of any appearance, the plaintiff is entitled to a decree against defendant no.2 under Order 37 Rule 2(3) of the Code of Civil Procedure. In the absence of any application for leave to defend or any affidavit in reply, the averments made in the plaint are deemed to be admitted by the defendant no.1 and plaintiff is entitled to a decree under Order 37 Rule 3(6) of the Code of Civil Procedure against defendant no.1.

2. In the circumstances, Summons for Judgement is made absolute against defendant no.1 and the suit of the plaintiff is decreed against both the defendants in terms of prayer clause (21) of the plaint with costs.

D.G. KARNIK, J